

REMARKS

Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 5-15 are pending. Claims 1-4 were previously cancelled without prejudice or disclaimer of the subject matter recited therein.

Claims 5 and 6 have been amended. Claims 16-21 have been added. Support for amendment to claims 5 and 6, and added claims 16-19, can be found in the Specification in paragraphs 0003, 0004, 0006.1, 0008, and 0009.

No new matter has been added.

Upon entry of this amendment, claims 5-21 will be pending.

Status of the Specification

Applicant has amended the Specification to include reference items which correspond to the reference items denoted in Figures 1 and 2. No new matter has been added.

Objection to the Drawings

The Examiner has objected to the figures for failing to illustrate features recited in the claims. Applicant has added Figures 1 and 2, which illustrate the features recited in the claims and as described in the Specification in paragraphs 0003, 0004, 0006.1, 0008, and 0009. No new matter has been added.

Rejection under 35 U.S.C. §112, first paragraph

Claims 5-15 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses the rejection.

With respect to claim 5, the Examiner contends that the Specification does not disclose “testing of the browser-adapting server application.” *See*, Detailed Action, Item 5, Page 3, paragraph 2.

Applicant respectfully notes that the Specification provides details regarding the testing of the browser-adapting server application in paragraph 0004. As described in the Specification, every time a new browser is released, applications which rely on browser compatibility must be tested to ensure that they will still run properly after any modifications are made. Accordingly, Applicant submits that the feature of “testing of the browser-adapting server application” is sufficiently disclosed in the Specification, and thus, claim 5 is enabled by the Specification.

With respect to claim 7, the Examiner contends that the feature of “evaluating of information comprising directly or indirectly obtaining the respective key information” is not disclosed. *See*, Detailed Action, Item 5, page 3, paragraph 3. Applicant respectfully notes that claim 7 does not recite the features asserted by the Examiner. Applicant assumes that the Examiner is referring to the features of “evaluating first respective key information of a first information-requesting browser type,” recited in claim 7.

Applicant respectfully submits that the Specification provides details on the evaluation step in paragraphs 0008 and 0009. As described in the Specification, the key information of each individual browser type is transmitted to a browser-adapting server application, and can be compared to information that was previously supplied before the adaptation method was modified.

Accordingly, Applicant submits that the feature of “evaluating first respective key information” is sufficiently disclosed in the Specification, and thus, claim 7 is enabled by the Specification.

With respect to claims 12-15, the Examiner contends that the feature of “a database configured to provide the respective key information” is not disclosed. *See*, Detailed Action, Item 5, page 3, paragraph 4.

Applicant respectfully submits that the Specification provides details on the evaluation step in paragraphs 0003, 0004, and 0009. As described in the Specification, a database can be used to provide and maintain key information, which includes information about the capabilities of each individual browser. *See*, Specification, paragraph 0003. A server application can access the database to obtain information about a particular browser. *See*, Specification, paragraph 0009. Accordingly, Applicant submits that the feature of “a database configured to provide the respective key information” is sufficiently disclosed in the Specification, and thus, claims 12-15 are enabled by the Specification.

It is therefore respectfully submitted that the Specification sufficiently describes the claimed subject matter so that a person of skill in the art would be able to perform the invention.

In view of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 5-15 under 35 U.S.C. §112, first paragraph.

Rejection under 35 U.S.C. §101

Claims 5-15 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner contends that although the claims recite “collecting using another server application,” it appears that the collection of information is not claimed as being available for use by a person or machine. Examiner contends that the claimed invention fails to provide a useful,

concrete, and tangible result. *See*, Detailed Action, Item 7, page 4. Applicant respectfully traverses the rejection.

As acknowledged by the Examiner, the claims recite an interaction between at least two server applications. As discussed in the Specification, the browser-adapting server application and other server applications are stored on servers (*i.e.*, machines). *See*, Specification, paragraph 0003. Applicant submits that the steps of “collecting and recording” key information, as recited in claim 5, provide a useful, concrete, and tangible result. More specifically, the collected and recorded information is then used to perform testing of the server application (as recited in claim 5) and possibly further adaptation of the applications as necessary (as recited in claim 6). Since the key information is being used in further application by the servers (*i.e.*, machines), it is respectfully submitted that the recited subject matter is useful and concrete, and produces tangible results.

In view of the above remarks, Applicant submits that claims 5-15 are directed to statutory subject matter. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 5-15 under 35 U.S.C. §101.

Rejection under 35 U.S.C. §102(b) based on Macgowan

Claims 5-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Canadian Patent Application No. 2,325,654 to Macgowan.

Independent claim 5, as amended, recites:

A method for testing a browser-adapting server application, the method comprising:

collecting and recording, using another server application, respective key information of a plurality of browser types and/or versions; and

testing an information adaptation method of the browser-adapting server application using the key information so as to ensure that the browser-adapting server application functions properly with each of the plurality of browsers.

In the invention as claimed, the key information regarding the browser is collected and recorded by a server application other than the browser-adapting server application. The testing of the information adaptation method is performed using the collected and recorded key information to ensure that the browser-adapting server application will still function properly. *See*, Specification, paragraphs 0008-0010.

Applicant submits that Macgowan neither discloses nor suggests the features of collecting and recording the key information being performed by different server applications as recited in claim 5. Macgowan discloses that the browser identification is transmitted by the requesting browser to the server, along with a content request. *See*, Macgowan, page 28, lines 8-13. However, Macgowan fails to disclose that the browser identification is obtained using a different server application. Rather, in Macgowan, the browser identification is received by the same server application that performs the content delivery. No other server application is involved in the process of receiving the browser identification transmitted by the requesting browser. *See*, Macgowan, page 28, line 15 through page 29, line 10.

In addition, Applicant respectfully submits that Macgowan fails to disclose the “testing of the information adaptation method is performed using the collected and recorded key information” as recited in claim 5. *See*, Macgowan, page 28, lines 15-24, and page 40, lines 14-25. In particular, Macgowan merely discloses “upon receipt of a content request from a requesting browser by the server ... raw content [is selected] which corresponds to the content selection criteria contained in

the contend request.” (Macgowan, page 40, lines 15-21.) Further, Macgowan merely describes a content optimization system that stores templates which can be retrieved to display content on a particular type of browser. *See*, Macgowan, page 41, line 1 through page 42, line 2. However, Macgowan fails to disclose or suggest using the key information to test the server or the content optimization system so as to ensure that the application will still function properly with other browsers that use the system, as recited in claim 5.

As demonstrated above, Macgowan fails to disclose each and every feature recited in claim 5. Thus, Macgowan cannot anticipate claim 5. Claims 6-15 depend ultimately from claim 5. Applicant submits that dependent claims 6-15 are patentable for at least the same reasons as discussed above with respect to as base claim 5. In view of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 5-15 under 35 U.S.C. §102(b) based on Macgowan.

New Claims

New claims 16-21 are directed to a method for testing a browser-adaptation server application by comparing key information received from browsers. Applicant submits that new claims 16-21 are patentable over the cited reference.

CONCLUSION

Each and every point raised in the Office Action mailed February 2, 2007 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 5-21 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: May 2, 2007

Respectfully submitted,

By 

Erik R. Swanson
Registration No.: 40,833
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

US Application Serial No.: 10/524,655

Attachment A